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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,420	02/21/2001	Oh Nam Kwon	8733.388.00	5851

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MCKENNA LONG & ALDRIDGE LLP  
1900 K STREET, NW  
WASHINGTON, DC 20006

EXAMINER
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RUDE, TIMOTHY L

ART UNIT	PAPER NUMBER
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2871

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/788,420

Applicant(s)

KWON ET AL.

Examiner

Timothy L. Rude

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2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) 11-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 October 2007 has been entered.

### ***Claims and Claim Objections***

Claims 1, 2, 4-6, 8, and 27 are amended. Prior objection to claims 1 and 27 are withdrawn.

### ***Claim Rejections - 35 USC § 112***

Rejection of claim 27 under 35 U.S.C. 112, second paragraph, is withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (APA).

As to claims 1 and 8-9, AAPA discloses a liquid crystal display (LCD) device (Fig. 1E) having a substrate (10), first conductive layers (12A and 14A) on the substrate, a first insulating layer (16) having a contact hole (above 14A) exposing a portion of the first conductive layers (allowing electrical connection to 14A via contact hole above 14A); a semiconductor layer (18) on the first insulating layer [Applicant's first conductive layers – correction is recommended, although not required]; second conductive layers (20) on the semiconductor layer, third conductive layers, (22A and 24A), on the second conductive layers, a second insulating layer (26) on the third conductive layers, the second insulating layer having a first contact hole exposing a portion of the third conductive layers (contact hole for pixel electrode) and a second contact hole (hole for 30) exposing the portion of the first conductive layers exposed by the first insulating layer, a fourth conductive layer (28) on the second insulating layer and electrically contacting a portion of the third conductive layers, and a fifth conductive layer (30) on the second insulating layer and electrically contacting the first conductive layers through

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the second contact hole; and sixth conductive layers, (24B and 14B), between and in contact with both the exposed portion of the third conductive layers (24A) and the fourth conductive layer, (28), and between and in contact with both the first conductive layers, (14A), and the fifth conductive layer, (30), wherein the sixth conductive layers are formed in the first contact hole and in the contact hole of the first insulating layer [sixth layers 24B and 14B exist at the bottoms of (Applicant's formed in) the contact holes]. Please note, this is a device claim whereby "formed in" is considered to limit where structure is as opposed to how it got there. Also, something that is at the bottom of a hole is reasonably considered to be in the hole.

As to claims 2-3, APA discloses an LCD device as recited above where the first conductive layers include aluminum metal (Specification page 3, lines 1-4 and 18-23).

As to claim 4, APA discloses an LCD device as recited above where the second conductive layers (20) include an impurity-doped semiconductor (Specification page 3, lines 4-7).

As to claims 5-6, APA discloses an LCD device as recited above where the third conductive layers have first (22A) and second (24A) parts that include metal and in between the first and second parts is where the semiconductor is etched (Specification page 3, lines 10-12 and page 4, lines 1-4).

As to claim 7, APA discloses an LCD device as recited above where the fourth conductive layer includes a transparent electrode (Specification page 3, lines 14-17).

As to claim 27, APA discloses the device according to claim 1, wherein the first conductive layers are formed of a single metal, 12A and 14A, and the third conductive layers are formed of a single metal, 22A and 24A. Please also note, APA also teaches these structures may optionally be a single metal, an alloy, or a multi-layered structure, Specification, pages 3 and 4, as amended.

### ***Response to Arguments***

Applicant's arguments filed on 23 October 2007 have been fully considered but they are not persuasive.

#### **Applicant's ONLY substantive arguments are as follows:**

(1) Regarding base claim 1, applied prior art does not disclose limitations drawn to the location of the sixth conductive layers.

(2) Dependent claims are allowable because they directly or indirectly depend from an allowable base claim.

#### **Examiner's responses to Applicant's ONLY arguments are as follows:**

(1) It is respectfully pointed out that APA discloses the device comprising sixth conductive layers, (24B and 14B), between and in contact with both the exposed portion

of the third conductive layers (24A) and the fourth conductive layer, (28), and between and in contact with both the first conductive layers, (14A), and the fifth conductive layer, (30), wherein the sixth conductive layers are formed in the first contact hole and in the contact hole of the first insulating layer [sixth layers 24B and 14B exist at the bottoms of (Applicant's formed in) the contact holes]. Please note, this is a device claim whereby "formed in" is considered to limit where structure is as opposed to how it got there. Also, something that is at the bottom of a hole is reasonably considered to be in the hole.

Examiner considers the claims to be much better limited than before. However, examiner considers the applied prior art to still reasonably read on the present claims.

(2) It is respectfully pointed out that in so far as Applicant has not argued rejection(s) of the limitations of dependent claim(s), Applicant has acquiesced said rejection(s).

Any references cited but not applied are relevant to the instant Application.

### ***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION Could Have Been MADE FINAL** even though it is a first action after the filing of a request for

continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). As a courtesy, this action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Timothy L Rude  
Examiner  
Art Unit 2871

tlr

